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PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Waldman, S.

Serial No.: 09/046,178

Group Art Unit: 1642

Filed: March 23, 1998

Examiner: T. Scheiner

For: METHODS OF AND KITS AND COMPOSITIONS FOR DIAGNOSING  
COLORECTAL TUMORS AND METASTASIS THEREOFAssistant Commissioner for  
Patents  
Washington, D.C. 20231Certificate of Facsimile Transmission  
I hereby certify that this paper is being facsimile  
transmitted to the Assistant Commissioner for Patents on  
the date shown below  
On December 10, 1998  
Mark DeLuca, Registration No. 33,229

Dear Sir:

## SUPPLEMENTAL RESPONSE

This supplemental response is being filed subsequent to Applicant's amendment filed September 14, 1998 which was fully responsive to the Official Action dated May 13, 1998 for the above-identified patent application. Provided herewith are two (2) terminal disclaimer documents: one which refers to U.S. Patent No. 5,601,990; and one which refers to U.S. Patent No. 5,731,159.

Claims 9-24 are in the application.

In the Official Action dated May 13, 1998, claims 9-24 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-5 of related U.S. Patent No. 5,601,990 and claims 1-8 of related U.S. Patent No. 5,731,159.

In the response filed September 14, 1998, Applicant indicated that upon indication that claims 9-24 are otherwise patentable, Applicant would file a Terminal Disclaimer to obviate the rejection.